

Message Text

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ACTION ITFE-00

INFO OCT-01 EA-07 ISO-00 ORM-01 DHA-02 INSE-00 VO-03 SCA-01

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 5270

INFO AMEMBASSY BANGKOK

AMCONSUL UDORN

C O N F I D E N T I A L VIENTIANE 5649

FOR IATF AND D/HA/ORM

E.O. 11652: GDS

TAGS: SREF, LA, VS, CB

SUBJ: INDOCHINESE REFUGEES REMAINING IN LAOS

REF: A) STATE 109337

B) STATE 167777

C) STATE 215079

D) STATE 219407

1. WE HAVE SUBMITTED VISAS FALCON CABLES ON 31 VIETNAMESE AND CAMBODIANS WHO ARE STILL IN LAOS. ALL OF THESE PEOPLE QUALIFY AS CATEGORY I OR II FOR PURPOSES OF THE REFUGEE PAROLE PROGRAM.

2. HOWEVER, POST HAS LEARNED THAT INS OFFICERS AT UTAPAO ARE APPLYING TO VIETNAMESE AND CAMBODIANS WHO HAVE ARRIVED IN THAILAND FROM LAOS THE JULY 1 CUT-OFF DATE GIVEN IN PARA 2 (E) OF REF B. IF THIS POLICY MAINTAINED, RESULT WOULD BE THAT PERSONS FOR WHOM WE HAVE SUBMITTED VISAS FALCON CABLES WOULD NOT BE ALLOWED TO TRAVEL IN REFUGEE PROGRAM OR PAROLED INTO U.S. EVEN WHEN OTHER DOCUMENTATION COMPLETED AND IF THEY MANAGED TO REACH THAILAND.

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3. IT APPEARS TO US THAT DEFINITION OF REFUGEE IN

PARA 2 (E) OF REF B AS "A PERSON WHO DEPARTED VIET-NAM OR CAMBODIA BETWEEN MARCH 15, 1975 AND JULY 1, 1975" WAS NOT INTENDED TO APPLY TO VIETNAMESE AND CAMBODIANS WHO HAD RESIDED IN LAOS. PROBLEM OF LAOS NOT ADDRESSED IN REF B. POLITICAL SITUATION EVOLVED IN A DIFFERENT MANNER AND AT A SLOWER PACE IN LAOS THAN IN VIET-NAM AND CAMBODIA. EASILY IDENTIFIABLE EVACUATION TIME-PERIOD WHICH COULD BE APPLIED TO REFUGEES WHO FLED FROM VIET-NAM AND CAMBODIA DOES NOT FIT CASE OF VIETNAMESE AND CAMBODIANS FROM LAOS. WE NONETHELESS BELIEVE THAT PEOPLE FOR WHOM WE HAVE SUBMITTED VISAS FALCON MESSAGES HAVE GENUINE POLITICAL MOTIVES FOR SEEKING REFUGEE STATUS. THEY ARE NOT LAO CITIZENS, AND THEY UNDERSTANDABLY FEAR PROSPECT OF EVENTUAL REPATRIATION TO VIET-NAM OR CAMBODIA OR PERSECUTION BY PRESENT LAO REGIME.

4. MATTER FURTHER COMPLICATED BY FACT THAT THIS POST WAS GIVEN AUTHORITY BY REF A TO CERTIFY FOR PAROLE INTO REFUGEE SYSTEM "VIETNAMESE NATIONAL EMPLOYEES OF U.S. MISSION LAOS (AND THEIR IMMEDIATE FAMILY RELATIVES)" AND FORMER GVN DIPLOMATS (AND THEIR IMMEDIATE FAMILY RELATIVES.)" NO CUT-OFF DATE FOR DEPARTURE FROM LAOS WAS STIPULATED IN CONNECTION WITH THIS AUTHORITY WHICH, TO OUR KNOWLEDGE, HAS NOT BEEN WITHDRAWN. SEVERAL CASES IN WHICH WE HAVE SUBMITTED VISAS FALCON CABLES INVOLVE IMMEDIATE RELATIVES OF VIETNAMESE NATIONALS WHO HAVE GONE TO U.S. UNDER REFUGEE PROGRAM. ONE EXAMPLE IS NGUYEN KIM HOA, WIFE OF VIETNAMESE REFUGEE TRAN DUC THANG, FORMER USAID/LAOS EMPLOYEE WHO LEFT FOR U.S. IN JUNE TAKING WITH HIM THEIR TWO CHILDREN AND GRANDCHILD. NGUYEN KIM HOA DID NOT ACCOMPANY HIM AT THAT TIME BECAUSE SHE WAS SICK. ANOTHER EXAMPLE IS CAO THI TUNG, WIFE OF NGUYEN VAN KHAM, A FORMER EMPLOYEE OF USAID/LAOS. SHE WAS VISITING RELATIVES IN SAIGON WHEN THAT CITY FELL AND WAS RETURNED TO LAOS ON UNHCR FLIGHT AUGUST 12, AFTER HER HUSBAND AND CHILDREN HAD ALREADY LEFT LAOS FOR U.S. IN REFUGEE PROGRAM.

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5. ACTION REQUESTED: CONFIRMATION THAT JULY 1 CUT-OFF DATE DOES NOT APPLY TO VIETNAMESE AND CAMBODIANS COMING OUT OF LAOS. WE WOULD APPRECIATE RECEIVING INTERAGENCY DECISION ON THIS MATTER AS SOON AS POSSIBLE TO ENABLE US TO REPLY TO INQUIRIES FROM POTENTIAL REFUGEES AND FROM THEIR FAMILIES IN U.S. WE HAVE ALSO RECEIVED RECENT MESSAGE FROM DEPARTMENT (REFS C AND D) ABOUT VIETNAMESE FAMILIES STILL IN LAOS. POST WILL WAIT FOR

DETERMINATION ON MATTER OF JULY 1 CUT-OFF DATE BEFORE
INITIATING ADDITIONAL VISAS FALCON MESSAGES AND OTHER
PROCESSING FOR CASES OF VIETNAMESE AND CAMBODIANS STILL
IN LAOS.
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